



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 11, 1996

Mr. Claud H. Drinnen  
Assistant City Attorney  
Legal Department  
City of Amarillo  
P.O. Box 1971  
Amarillo, Texas 79105-1971

OR96-2356

Dear Mr. Drinnen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102832.

The City of Amarillo (the "city") received a request for a complete copy of the report #96-96697. You seek to withhold the requested information under section 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

The document you seek to withhold is an accident report form that appears to have been completed by a department investigator in accordance with chapter 550 of the Transportation Code. *See* Transp. Code § 550.064 (officer's accident report). The Seventy Fourth Legislature, without reference to the repeal and codification of V.T.C.S. article 6701d,<sup>1</sup> amended section 47 of article 6701d, V.T.C.S., relating to the disclosure of accident reports. Act of May 27, 1995, 74th Leg., R.S., ch. 894, §1, 1995 Tex. Sess. Law Serv. 4413, 4414. As amended, section 47(b)(1) provides that:

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<sup>1</sup>Effective September 1, 1995, article 6701d was repealed and codified as part of the Transportation Code. Act of May 1, 1995, 74th Leg., R.S., ch. 165, § 24, 1995 Tex. Sess. Law Serv. 1025, 1870-71. *See* Trans. Code § 550.065 (release of accident reports). The legislature did not intend a substantive change of the law but merely a recodification of existing law. *Id.* § 25, 1995 Tex. Sess. Law Serv. at 1871. The repeal of a statute by a code does not affect an amendment of the statute by the same legislature which enacted the code and the amendment is preserved and given effect as part of the code provision. Gov't Code § 311.031(c). Thus, the amendment of section 47 of article 6701d, V.T.C.S., in House Bill 391, remains in effect as current law and may be found following section 550.065 of the Transportation Code. *See also* Act of May 27, 1995, 74th Leg., R.S., ch. 894, §1, 1995 Tex. Sess. Law Serv. 4413, 4414.

The Department or a law enforcement agency employing a peace officer who made an accident report is required to release a copy of the report on request to:

....


(D) a person who provides the Department or the law enforcement agency with two or more of the following:

- (i) the date of the accident;
- (ii) the name of any person involved in the accident; or
- (iii) the specific location of the accident

V.T.C.S. art. 6701d, § 47(b)(1) (emphasis added). Under this provision, a law enforcement agency is required to release a copy of an accident report to a person who provides the law enforcement agency with two or more pieces of information specified by the statute. *Id.* In this instance, the requestor has not provided two or more pieces of the type of information specified by statute. Accordingly, the city is not required to release this information pursuant to section 47(b)(1)(D) of article 6701d, V.T.C.S.<sup>2</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/SAB/ch

Ref.: ID# 102832

Enclosures: Submitted documents

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<sup>2</sup>Although you have raised section 552.108 of the Government Code as an exception to disclosure, the exceptions under chapter 552 do not, as a general rule, apply to information where access is governed by other statutes. See Open Records Decision No. 525 (1989) at 3.

cc: Mr. Everett Scott  
3301 Sunlite  
Amarillo, Texas 79101  
(w/o enclosures)